

## CHAPTER 8 PLACEMENT

[Prior to 9/24/86, see 370—Ch 7]

[Prior to 3/12/97, see 345—Ch 7]

**877—8.1(96) Definitions.** The following words and terms, when used in these rules, shall have the following meaning, unless the context clearly indicates otherwise:

*“Affirmative action”* means a program or procedure intended to provide or foster employment opportunities for members of groups pursuant to legislation, court order, consent decree, government contracts or other fair employment practice authority.

*“Alien”* means a foreign-born resident who has not been naturalized and is still a subject or citizen of a foreign country.

*“CFR”* means Code of Federal Regulations.

*“DOT”* means dictionary of occupational titles.

*“Employer”* means a corporation, company, partnership, or organization that provides a job and pays wages for a salary to devote toward a particular activity.

*“Farm labor contractor”* means any person who, for a fee, either for self or on behalf of another person, recruits, solicits, hires, furnishes, or transports migrant workers for agricultural employment.

*“General provisions”* means items imposed by the United States federal government to be considered as part of the contract.

*“Migrant”* means a seasonal farm worker whose farm work experience during the preceding 12 months required travel such that the worker was unable to return to such worker’s residence (domicile) in the same day.

*“Migrant food processing worker”* means a person who has had experience during the preceding 12 months doing food processing for a scheduled period of 150 days or less provided that it required travel such that the worker was unable to return to such worker’s residence (domicile) in the same day.

*“Monitor advocate”* means a position within the division of workforce development center administration established to monitor procedures to ensure compliance with Title 20, Code of Federal Regulations, Parts 653.111, 658.400 through 658.414 and 658.500 through 658.502.

*“OJT”* means on-the-job training.

*“Public service employer”* means a nonprofit organization or political jurisdiction or subdivision thereof.

*“Questionable”* means one who has a previous history of physical or mental health problems.

*“Re:”* means with regard to.

*“Reverse referral system”* means an agreement between the division of workforce development center administration and an employer whereby the employer does not register walk-in employment seekers but refers them to the division of workforce development center administration where division employees perform the initial interviewing and preliminary personnel tasks. The names of those applicants who indicate an interest in working for a particular employer are placed in a file at the workforce development center. When an opening is listed for a particular employer, an interviewer employed by the department of workforce development reviews the applicants and those persons found to be best qualified are referred to the employer in a number specified by the employer. The interviewer determines compliance with the civil rights Act and other statutory requirements for job applicant referral.

*“Seasonal farm worker”* means a person who has at least 25 days’ experience during the preceding 12 months working for wages in farm work for a scheduled period of 150 consecutive days or less in any one establishment engaged in agricultural production or agricultural services. Nonmigrant individuals who are full-time students are excluded. For the purpose of this definition, an individual who is hired repeatedly on a short-term basis is a seasonal farm worker even if this results in such individual working for any one agricultural establishment for a period of 150 consecutive days or more.

*“Select”* means designated and established by the division of workforce development center administration.

*“Selection”* means the process of choosing suitably qualified applicants using the application form for referral to job openings in a number specified by the employer.

*“State workforce development office staff”* means a person employed by a workforce development center of the division of workforce development center administration.

*“Veteran”* means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

*“Waiver”* means the act of intentionally relinquishing or abandoning a known right, claim, or privilege or an instrument evidencing such act.

*“Where appropriate”* means when the applicant has previously been a client.

This rule is intended to implement Code of Federal Regulations, Part V, Chapter 20, Section 604.1, dtd. November 2, 1976, and Iowa Code section 96.10, 96.11 and 96.19.

#### **877—8.2(96) Job application and related areas.**

**8.2(1)** An individual may register as an applicant seeking permanent employment, part-time employment, or short-term employment at any workforce development center within the state of Iowa.

**8.2(2)** An applicant seeking information may utilize the job information unit in some workforce development centers, or may utilize job bank viewers with assistance from agency staff in all other workforce development centers. Applicants wanting referral services to job openings must register with the workforce development center.

**8.2(3)** To register for work, the applicant must complete a Form 60-0330, Application for Job Placement Assistance and/or Job Insurance. The applicant must complete the Form 60-0330 according to its instructions or as directed by a workforce development representative.

**8.2(4)** All applicants will be asked by agency staff to indicate if they have veteran status. Veteran status is designated by 20 CFR, Chapter 5, Part 653, Subpart C, Paragraph 653.201. Those applicants so designated will complete a Form 60-0330.

**8.2(5)** Registered applicants will receive a numerical DOT code from a workforce development representative indicating to which job(s) the individual is most interested in receiving a referral. This number(s) shall be placed in the designated part of Form 60-0330.

**8.2(6)** When several DOT codes are assigned to an applicant, multiple filing may be required. Agency staff will complete a Form 62-2022 for each applicant DOT code beyond the first code on behalf of the applicant.

**8.2(7)** An applicant seeking employment in the federal civil service must complete civil service standard application Form 171 which is then submitted to the proper federal civil service authority. This form is available, along with instructions, at any workforce development center.

**8.2(8)** An applicant seeking employment with agencies of the state of Iowa which require hiring from registers established by the Iowa department of personnel must complete Form 552-0072 R, Application. This form is available, along with instructions, at any workforce development center.

**8.2(9)** An applicant seeking summer employment or corn-detasseling work may register with workforce development centers or other designated agency offices using Form 60-0244, Detasseling and Summer Job Application. This form is a mail-in form which can be obtained from workforce development centers or other designated agencies, can be self-completed, and can be mailed to the required addressee by the applicant.

**8.2(10)** An applicant who has filed a claim for unemployment insurance shall register for work using the Form 60-0330, Application for Job Placement Assistance and/or Job Insurance.

**8.2(11)** An applicant who has filed an interstate claim for unemployment insurance shall register for work using Form 61-1000 (IB-1), obtained from workforce development centers, as part of the initial interstate claim assembly.

**8.2(12)** An ex-service member holding a general or other than honorable discharge from the armed forces may document good conduct by applying for an exemplary rehabilitation certificate. The form, ex-service member—exemplary rehabilitation certificate—how to apply, may be obtained from any workforce development center. The instructions are self-contained.

**8.2(13)** An ex-service member who presents an exemplary rehabilitation certificate to a workforce development center or a prospective employer shall be accorded the same priority as a veteran if all other veteran criteria are met. If the ex-service member does not meet the criteria for a veteran, the ex-service member shall be accorded special counseling and job development assistance through the regular counseling and placement services of the workforce development center.

**8.2(14)** An applicant having questionable physical capacity to perform a job without jeopardizing the applicant's health or safety, as well as that of other coworkers, may be required to have a Form 60-0141, Request for Medical Report, completed by a physician.

**8.2(15)** An applicant having questionable mental capacity to perform a job without jeopardizing the applicant's health or safety, as well as that of other coworkers, may be required to have a Form 60-0141, Request for Medical Report, completed by a physician. This form is to be presented to the workforce development interviewer who will consider the information before referral to a job opening.

**8.2(16)** An applicant wishing to release information contained in the physical status report must complete Form 60-0141, Request for Medical Report, and return it to the workforce development center for processing.

**8.2(17)** The reverse referral process will be explained to the applicant who will be advised that a contact will be made when and if the company lists a vacancy for which the applicant qualifies.

**8.2(18)** When the agreement calls for the department of workforce development to fill out company applications, the applicant may do so if the employer is required under affirmative action to maintain applications on all applicants applying for employment.

This rule is intended to implement Code of Federal Regulations, Part V, Chapter 20, Section 604.1, dtd. November 2, 1976, and Iowa Code sections 96.10 to 96.12.

### **877—8.3(96) Job orders and related areas.**

**8.3(1)** An employer wishing to list a job opening with a workforce development center shall appear at the office, and may telephone, fax or mail to the office all information pertinent to the job opening. This information will be reported on Form 62-2024 by the agency staff. The data collected on this form will become the source data for the microfiche used as the job listings to be viewed by the job applicants or workforce development staff.

**8.3(2)** Job listings are put on microfiche for viewing by job applicants. A microfiche is a photographic negative (film) which can be viewed in a job bank viewer in each workforce development center. The microfiche gives all the details concerning job openings and is updated each working day. The microfiche may be viewed in the company of an agency interviewer who is considering the person for job referral.

**8.3(3)** Job listings for use in job information centers in workforce development centers are put on a suppressed microfiche. The suppressed microfiche does not give the name of the employer and is used by job applicants seeking job information before possible referral to the opening. The suppressed microfiche can be viewed in a job bank viewer found near the reception area. Assistance in operating the job bank viewer is available from the receptionist.

**8.3(4)** In case of a shortage of domestic agricultural workers, an employer's job order may be extended to states other than Iowa where a surplus of these workers might occur. The job order must be extended using Form ETA 790, Clearance Order—Rural Manpower Job Offer.

**8.3(5)** In instances where the employer is furnishing housing and facilities for a job order that has been extended on job Form ETA 790 the workforce development center must complete Form 68-0533, Employer Furnished Housing and Facilities, as a support document. This form, along with copies of inspections made by the state health department, fire prevention authorities, and other inspection agencies must be on file in the workforce development center.

**8.3(6)** A farm labor contractor wishing to obtain a certificate of registration should make application to the United States Department of Labor on Form WH-510, Application for a Farm Laborer Contractor Certificate of Registration. This form, along with instructions, is available from the workforce development center to an applicant operating as an individual farm labor contractor, a representative of a corporation, partnership, association, or other organization as a farm labor contractor, or one who transports migrant workers.

**8.3(7)** A farm labor contractor certificate of registration, Form WH-511, is awarded to a farm labor contractor by the United States Department of Labor, who applies using Form WH-510. This form allows the contractor to operate a migrant crew for agricultural employment.

**8.3(8)** The farm labor contractor employee wishing to obtain an identification card should make application to the United States Department of Labor using Form WH-512, Application for a Farm Labor Contractor Employee Identification Card. This form, along with instructions, is available at workforce development centers to an individual who represents a corporation, partnership, association, or other organization.

**8.3(9)** Farm labor contractor employee identification card, Form WH-513, is awarded to a farm labor contractor employee by the United States Department of Labor who applies using Form WH-512. This form allows the employee to identify as a farm labor contractor employee.

**8.3(10)** A farm labor contractor who wishes to transport migrant workers in any vehicle the contractor owns, operates, or causes to be operated in connection with business activities or operations as a farm labor contractor must obtain Form WH-514, Vehicle Mechanical Inspection Report, complete the form and submit it to the United States Department of Labor. This form is available in workforce development centers.

**8.3(11)** A farm labor contractor who wishes to transport migrant workers in any vehicle the contractor owns, operates, or causes to be operated in connection with business activities or operations as a farm labor contractor must obtain Form WH-515, Doctors Certificate, complete and submit it to the United States Department of Labor. This form is available in workforce development centers.

**8.3(12)** A farm labor contractor who wishes to transport migrant workers in any vehicle the contractor owns, operates or causes to be operated in connection with business activities or operations as a farm labor contractor must obtain Form FD-258, Applicant Fingerprint Card, complete the card and submit it to the United States Department of Labor. This form is available in workforce development centers.

**8.3(13)** The employer job order, Form 62-2024, accepted by the department of workforce development shall contain only job-related information sufficient to select qualified applicants for job referral.

**8.3(14)** The employer job order, Form 62-2024, accepted by the department of workforce development shall contain the employer account number for purposes of providing employer identification of new accounts.

**8.3(15)** Sole proprietors not having an employer account number will be asked for their social security number for purposes of providing employer identification.

**8.3(16)** New employers not providing either employer account number or social security number will be asked to provide the names and addresses of adjoining or immediate area employers for purposes of establishing their place of business.

**8.3(17)** New employers unable to provide identification as required in 8.3(14), 8.3(15) and 8.3(16) will be subject to other such investigation as the agency shall determine.

**8.3(18)** Employer account numbers will be cross-checked with information now on file through computer verification procedures. Employer files will be updated and corrected as new employer information is collected.

**8.3(19)** Neither the Employment and Training Administration of the United States Department of Labor nor the division of workforce development center administration is a guarantor of the accuracy or truthfulness of information contained on job orders submitted by employers. No job order accepted constitutes an offer to contract to which the Employment and Training Administration of the United States Department of Labor or the division of workforce development center administration is in any way a party. Nevertheless, material misrepresentation of job order information supplied by the employer constitutes a violation of these regulations. Upon discovery of a violation of these regulations by the Employment and Training Administration of the United States Department of Labor or the division of workforce development center administration, the division of workforce development center administration shall notify the employer in writing that it intends to discontinue services to the employer and the reason for doing so.

This rule is intended to implement the Code of Federal Regulations, Part V, Chapter 20, Section 604.1, dtd. November 2, 1976, and Part IX, Chapter 20, Sections 651.1, 653.5, and 658.502, dtd. January 23, 1981, and Iowa Code sections 96.10 and 96.11.

#### **877—8.4(96) Order filling and related areas.**

**8.4(1)** An applicant may be called in for possible referral to a job order by mail, using Form 62-2016, Call In Card. This card is a two-part card asking the applicant to come in to a workforce development center or to respond by mail giving information concerning availability for future job referrals. An applicant may also be called in for job referral by telephone or through other means.

**8.4(2)** An applicant that is being referred to a job opening will be given a Form 62-2017, Introduction Card, which is to be presented to the employer. This form is a return mail card that is to be completed by the employer to show the disposition of the referral and the job opening. A record of the job referral is entered on the applicant's 62-0219, Application Card, and on the 62-2024, Job Order. The applicant may be referred to other job openings should the initial referral show that the applicant was not hired.

**8.4(3)** An applicant may be promoted for job referral by workforce development centers by using Form 60-0208, Notice of Job Applicant Registration. This form is mailed to the employer and requests the employer to respond if there is interest in the job applicant.

**8.4(4)** An employer needing bonding coverage for an employee, that cannot be obtained through commercial sources, may obtain this service from a workforce development center. The workforce development center must complete Form 68-0612, Sponsor's Certification (front side) to provide bonding coverage. Bonding coverage may last a maximum of 12 months, or until the employee terminates from the job, at which time the workforce development center will complete Form 68-0612, Sponsor's Request for Termination (reverse side), to terminate the bonding coverage.

**8.4(5)** An applicant applying for a position through the federal Civil Service Commission may take a typing proficiency test at a workforce development center. The test scores are entered on Form 68-0102, Certificate of Proficiency Skill, and given to the applicant for transfer to the federal civil service authority.

**8.4(6)** A handicapped applicant seeking employment through the federal Civil Service Commission may be referred to the proper authority by workforce development center staff, using Form 171, Referral for Federal Employment. Assistance in completing the form will be granted.

**8.4(7)** Activity affecting an unemployment insurance claimant who has filed an application for employment in a workforce development center may be reported to the unemployment insurance section by using Form 60-0242, Employer Verification of Application.

**8.4(8)** Activity concerning the job referral of a food stamp applicant may be reported to the department of human services by a workforce development center on Form 60-0261, Food Stamp Applicant Status.

**8.4(9)** An applicant who is to be referred to a job opening with an employer involved in a labor dispute must sign Form 68-0613, Notice of Existence of a Labor Dispute, for information purposes, so that the applicant will be made aware of conditions that exist with the employer.

**8.4(10)** An applicant being referred to a temporary help agency must sign Form 68-0241, Temporary Help Agency Referral Form, for information purposes, so that the applicant will be made aware that no fee is to be charged by the temporary help agency for this service.

**8.4(11)** Applicants will be selected on the agreed-to job-related criteria determined by the employer and department of workforce development. The department of workforce development files will be searched for applicants that meet selection criteria to ensure all applicants are given equal access to job referrals.

This rule is intended to implement Code of Federal Regulations, Part V, Chapter 20, Section 604.1, dtd. November 2, 1976, Iowa Code sections 96.10 to 96.12.

#### **877—8.5(96) Complaints.**

**8.5(1)** An applicant wishing to submit comments concerning service received from any workforce development center may do so using Form 70-8007, Comment Card. This form is a mail-in form and may be obtained from any workforce development center.

**8.5(2)** An applicant wishing to file a formal complaint against the division of workforce development center administration or a private company served by the division of workforce development center administration may do so using Form 309-0371, Formal Complaint. This form is signed by the person making the complaint and the agency staff accepting the complaint.

**8.5(3)** After action has been taken concerning a complaint, the results are mailed to the person making the complaint who must be advised of appeal rights in the event the resolution is unsatisfactory to such person.

**8.5(4)** A person wishing to file a complaint of suspected discrimination against an employer should obtain the Form 68-0597, Formal Complaint, from a workforce development center. This form should be completed and may be left with the agency for forwarding to the Iowa civil rights commission.

**8.5(5)** All complaints that cannot be resolved by the workforce development center are sent to the monitor advocate in the department's administrative office who, after appropriate investigation, takes whatever action is necessary to informally resolve the complaint.

**8.5(6)** A detailed description of the complaint system is contained in 20 CFR 658.400 through 658.423.

This rule is intended to implement Title 20, Code of Federal Regulations, 658.400 to 658.423, dtd. June 12, 1980, and Iowa Code sections 96.10 and 96.11.

#### **877—8.6(96) Iowa work permits.**

**8.6(1)** A youth aged 14 or 15 seeking employment, must obtain Child Labor Form number 1, Iowa Employers Agreement for Minors Aged 14 and 15, from a workforce development center or the youth's school. This form must be completed by the employer offering the job, signed by a parent or guardian and returned to the workforce development center for filing.

**8.6(2)** A youth aged 10 or above seeking a work permit, must obtain Child Labor Form number 2, Iowa School Record, from a workforce development center. This form must be completed by the applicant's school and returned to the agency for filing.

**8.6(3)** A youth aged 10 or above may be issued a work permit using Child Labor Form number 3, Iowa Child Labor Form, by a workforce development center.

**8.6(4)** A migrant youth aged 12 to 16 may be issued a work permit using Child Labor Form number 4, Special Work Permit for Migrant Minors Aged 12 to 16, by a workforce development center.

**8.6(5)** All work permits are issued in triplicate, one copy of which is retained by the issuing agency—either the workforce development center or the school, the second copy is given to the employer and the third copy is sent to the state division of labor services.

This rule is intended to implement Iowa Code sections 96.10 to 96.12.

**877—8.7(96) Alien employment certification.**

**8.7(1)** An alien individual seeking employment in the United States may apply for employment certification using Form 68-0624, Application for Alien Employment Certification—Statement of Qualifications of Alien, available with instructions at the Iowa Workforce Development Center Administration Office, 150 Des Moines Street, Des Moines, Iowa 50309. The application will be forwarded to the United States Department of Labor by the department of workforce development.

**8.7(2)** An employer wishing to hire an alien may offer employment to the alien using Form 68-0624, Application for Alien Employment Certification, available with instructions at the Iowa Workforce Development Center Administration Office, 150 Des Moines Street, Des Moines, Iowa 50309. The offer will be forwarded to the United States Department of Labor by the department of workforce development.

**8.7(3)** An employer may wish information concerning procedures for hiring an alien. This information is in a pamphlet titled "Notice for Employers, Attorneys, Agents" available from the Iowa Workforce Development Center Administration Office, 150 Des Moines Street, Des Moines, Iowa 50309.

This rule is intended to implement Title 20, Code of Federal Regulations, Part 656, effective December 19, 1980, and Iowa Code sections 96.5(10), 96.10 and 96.11.

**877—8.8(96) Defense manpower policy number 4 (DMP-4).** A firm may become eligible for a labor surplus area set-aside award under DMP-4 if it agrees to perform a substantial proportion (considered to be more than half of the award) of the contract in an area classified as a labor surplus area as of the date of the award. The Department of Labor quarterly publication, "Area Trends in Employment and Unemployment," identifies localities that are classified as labor surplus areas. Guidelines for eligibility for preference under DMP-4 can be obtained from the federal agency awarding the contract.

This rule is intended to implement Iowa Code sections 96.10 to 96.12.

**877—8.9(96) Federal regulation (41 CFR 50-250)— Executive Order 11701.** An employer with a federal contract over \$10,000 and subject to Executive Order 11701, must list job openings with the nearest workforce development center.

This rule is intended to implement Executive Order 11701, dtd. January 24, 1973, and Iowa Code sections 96.10 and 96.11.

**877—8.10(96) PROMISE JOBS program.** The PROMISE JOBS program is the responsibility of the department of human services. See human services 441—Chapter 93.

This rule is intended to implement Title 45, Code of Federal Regulations, Part 205, and Iowa Code section 239.19.

**877—8.11(96) Trade Act of 1974.**

**8.11(1)** An applicant who qualifies for Trade Act benefits for training purposes may apply for living allowances by completing Form ETA-858, Request and Determination of Worker Entitlement to Allowances While In Training. The form is available in workforce development centers serving an approved Trade Act petition.

**8.11(2)** An applicant who has been approved for training allowances must request weekly allowances by completing Form ETA-858, Weekly Request for Allowances by Worker In Training. The form is available in workforce development centers serving an approved Trade Act petition.

**8.11(3)** An applicant who qualifies for Trade Act benefits may apply for reimbursement of certain costs incurred while attending a job interview outside a commuting distance from the applicant's residence by completing Form ETA-861, Request for Job Search Allowance. The form is available in workforce development centers serving an approved Trade Act petition.

**8.11(4)** An applicant who qualifies for Trade Act benefits may apply for reimbursement of certain costs incurred while relocating to a new residence outside a commuting distance from the applicant's current residence by completing Form ETA-860, Request for Relocation Allowance. The form is available in workforce development centers serving an approved Trade Act petition.

**8.11(5)** An applicant who has been approved for relocation allowances must receive verification of a job offer necessitating relocation. Form ETA-861, State Employment Service Commissioner Certification of Suitable Employment, must be completed by the resident workforce development center and verified by the relocation workforce development center.

This rule is intended to implement Public Law 100-418, dtd. August 24, 1988.

**877—8.12(96) Food stamp program.**

**8.12(1)** Food stamp applicants who must comply with work registration and job search requirements, as determined by the department of human services, must register with the Iowa division of workforce development center administration, as outlined in rule 8.2(96).

**8.12(2)** Food stamp applicants found suitable for referral to job openings must report for an interview upon the request of division of workforce development center administration.

**8.12(3)** Food stamp applicants may be required to take part in a job search assignment.

**8.12(4)** Food stamp applicants who fail to comply with subrules 8.12(1), 8.12(2) and 8.12(3) for no good cause shall be referred to the Iowa department of human services for possible disqualification as a food stamp recipient.

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